

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

NIKKI PIERCE,

Petitioner,

v.

CIVIL ACTION NO. 1:16CV117
CRIMINAL ACTION NO. 1:11CR27-19
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S
OPINION/REPORT AND RECOMMENDATION

Pending before the Court is the Report and Recommendation ("R&R") of the Honorable James E. Seibert, United States Magistrate Judge (Dkt. No. 6), dated July 8, 2016. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to review de novo those portions of the magistrate judge's findings to which objection is made. Failure to file objections to the R&R permits the Court to review the recommendation under the standards that it believes are appropriate, and under these circumstances, the parties' right to de novo review is waived. See Webb v. Califano, 468 F. Supp. 825 (E.D. Cal. 1979). To date, no objections have been filed. Accordingly, the review is for clear error. Id.

Upon review of the R&R and the record, the Court adopts the opinion of the Magistrate Judge for the reasons discussed in the R&R. Therefore, the Court:

1. **ADOPTS** the R&R (Dkt. No. 6);

**ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

2. **DENIES** the petitioner's § 2255 motion (Dkt. No. 1); and
3. **DISMISSES** the case **WITH PREJUDICE**.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to enter a separate judgment order, to transmit both orders to counsel of record and to the pro se petitioner by certified mail, return receipt requested, and to remove the case from the Court's active docket.

DATED: July 29, 2016.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE